

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OLIVER UDEMBA,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO: 05CV 11161 RGS
)	
CUMBERLAND FARMS, INC.)	
AND EMILE C. TAYEH,)	
)	
Defendant.)	

**MOTION FOR ENLARGEMENT OF TIME FOR
DEFENDANTS TO ANSWER THE COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants Cumberland Farms, Inc. and Emile C. Tayeh hereby move for enlargement of the time within which to serve their Answers to the Complaint, in support whereof the Defendants state:

1. The Complaint in this case was served on the Defendants on or about September 26, 2005. The Complaint is 14 pages long and consists of 80 numbered paragraphs.

2. Due to the length of the Complaint, the fact that many of the allegations in the Complaint concern events which took place in the early 1990's, and the press of other business, the Defendants request that the time for service of their Answers to the Complaint be enlarged to and including October 28, 2005.

3. On October 6, 2005, at 10:00 a.m., and again at 10:30 a.m., at 11:00 a.m., at 12:21 p.m. and at 4:30 p.m., and on October 7, 2005 at 8:00 a.m., the undersigned counsel for the Defendants (Moss) attempted to contact Plaintiff's Attorney, Aderonke O. Lipede, Esq., at the telephone number stated on the Summons and on Plaintiff's Notice of Change of Address, (617) 859-7400, in order to ask his consent to this Motion. Each call was answered by a recording stating that the recipient's "mailbox" was full and could not accept any more messages, and to

“try again later.” The recording did not afford Moss the opportunity to leave a message for Attorney Lipede.

WHEREFORE, the Defendants respectfully request that the Court GRANT the within motion for enlargement of time.

DATED at Portland, Maine this 7th day of October, 2005.

CUMBERLAND FARMS, INC. and
EMILE C. TAYEH,

By their attorneys,

MOON, MOSS & SHAPIRO, P.A.
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(207) 775-6001

/s/ Philip J. Moss

Philip J. Moss BBO# 358020